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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 ULTRATECH, INC.,  
12 Plaintiff,

No. C 03-03235 CRB

**ORDER**


13 v.

14 TAMARACK SCIENTIFIC CO.,  
15 Defendant.  
16 \_\_\_\_\_/

17 Now pending before the Court is Tamarack's motion to correct clerical error in the  
18 Court's May 17, 2005 Memorandum and Order. After carefully reviewing the Order, the  
19 Court concludes that it made an error in its conclusion. The Court did not intend to hold as a  
20 matter of law that the '813 is not invalid as obvious in light of Ultratech's response to IBM's  
21 RFQ. Accordingly, Tamarack's motion is GRANTED and paragraph 5 of page 20 of the  
22 May 17, 2005 order is amended to read as follows: "Ultratech's motion for summary  
23 judgment on Tamarack's obviousness defense based on Kurosawa et al. and the devices  
24 Tamarack sold to IBM is DENIED; in all other respects the motion is dismissed as moot."

25 **IT IS SO ORDERED.**

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27 Dated: July 13, 2005  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

**United States District Court**

For the Northern District of California

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